

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
MARIO RENE GARCIA,
:

Petitioner,
:

-v-
:

THOMAS DECKER, *Director, New York Field Office,*
U.S. Immigration and Customs Enforcement, et al.,
:

Respondents.
:
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21-CV-1209 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

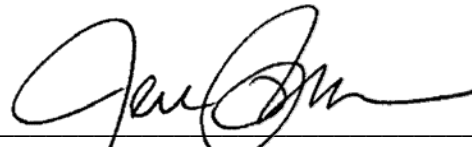
As discussed, and for the reasons stated, on the record at a conference conducted remotely by telephone earlier today:

- Petitioner Mario Rene Garcia's petition for the writ of habeas corpus is GRANTED.
- **Within seven calendar days of the date of this Order**, the Government shall take Petitioner before an immigration judge for an individualized bond hearing. At that hearing, the Government shall bear the burden to demonstrate, by clear-and-convincing evidence, that Petitioner is a danger to the community or a flight risk. If the immigration judge determines that bond is appropriate, Mr. Garcia's ability to pay bond and suitability for alternative conditions of release must be considered in setting such a bond. Should the Government fail to provide Petitioner with a bond hearing consistent with the foregoing within seven calendar days, the Government shall immediately release him.
- Petitioner's request for an injunction barring his transfer is deemed withdrawn and/or forfeited.

The Clerk of Court is directed to terminate ECF No. 5, to close this case, and to enter judgment for Petitioner.

SO ORDERED.

Dated: March 3, 2021
New York, New York



JESSE M. FURMAN
United States District Judge